IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Alexander T. Chenvainu et al.	Art Unit	: 3732
Serial No.	: 10/666,497	Examiner	: Laura Cole Guidotti
Filed	: September 19, 2003	Conf. No.	: 9179
Title	: TOOTHBRUSHES		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF JULY 8, 2008

In reply to the Office Action of July 8, 2008, Applicant submits the following remarks.

The Office Action mailed July 8, 2008 rejects claims 35, 38, 39, 41-43, 45, 46, 48, and 49 under 35 U.S.C. § 103(a) as being unpatentable over Weihrauch, U.S. Patent No. 6,421,867 ("Weihrauch"), in view of Braun et al., WO 02/38004 ("Braun"), and further in view of Kressner et al., U.S. Patent No. 6,021,538 ("Kressner"). This rejection is in error because none of the cited references discloses or suggests a power toothbrush having "a head including a support member, the support member including a lower portion constructed to be rotationally oscillated, relative to the neck, by the motor, and a top surface having an elongated shape selected from the group consisting of oval, elliptical and rounded diamond," as claimed. Accordingly, the rejection is in error and should be withdrawn.

The Examiner, however, assets that Weihrauch discloses a power toothbrush including a "support member including a lower portion 'constructed to be' rotationally oscillated relative to the neck of the toothbrush . . . and a top surface having an elongated shape that appears to be oval or a rounded diamond (see figures 6 and 8)." This is a mischaracterization of Weihrauch. Weihrauch does not disclose any power toothbrush that includes a head having both the claimed "lower portion constructed to be rotationally oscillated, relative to the neck, by the motor" and the claimed "top surface having an elongated shape selected from the group consisting of oval, elliptical and rounded diamond." Instead, Weihrauch discloses two different type of brushes: 1) "an electrical toothbrush having a rotating or oscillating brush head" as shown in Figures 1-4 and